

\*\*Original filed 5/5/06\*\*

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JERRY RICHARDSON,

Petitioner,

vs.

ROBERT AYERS, Warden,

Respondent.

No. C 01-20748 JF (PR)

ORDER DENYING  
PETITIONER'S MOTION TO  
REOPEN AND  
RECONSIDER CASE;  
INSTRUCTIONS TO CLERK

(Docket No. 13)

Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 29, 1999, the Court issued a limited order to show cause to Respondent as to why the petition should not be granted, denied Petitioner's in forma pauperis application, and ordered Petitioner to pay the \$5.00 filing fee within thirty days. On July 14, 1999, the Court dismissed the instant petition without prejudice for Petitioner's failure to pay the filing fee.

On March 7, 2006, Petitioner filed a motion to reopen and reconsider case with an amended habeas petition, stating that he wishes to proceed with the amended petition. The instant case was dismissed without prejudice and closed due to Petitioner's failure to pay the filing fee. Therefore, the amended petition and accompanying motions should be

1 filed in a new action. Accordingly, Petitioner's motion to reopen and reconsider the case  
2 (docket no. 13) is DENIED.

3 The Clerk is instructed to terminate all motions in the instant closed case and to  
4 OPEN a new case and TRANSFER document number 13 to the new habeas action. The  
5 Court will review the amended petition and motions in the new habeas action.

6 IT IS SO ORDERED.

7 DATED: 5/4/06

  
JEREMY FOGEL  
United States District Judge

1 This is to certify that a copy of this ruling was mailed to the following:

2 Jerry Richardson  
3 J-66917  
4 Pelican Bay State Prison  
5 P.O. Box 7000  
6 5905 Lake Earl Drive  
7 Crescent City, CA 95531

8 Laurence K. Sullivan  
9 CA State Attorney General's Office  
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